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Pollution Response		

1. PURPOSE/SCOPE

The purpose of the Pollution Response Protocol is to coordinate response activities to maximize the effectiveness of available Department of Ecology ("Ecology") and U.S. Coast Guard District Thirteen ("USCG") resources devoted to pollution response. This protocol is also expected to leverage resources by bringing the diverse expertise of USCG and Ecology responders together to achieve safer response, while avoiding undue duplication of effort.

2. AUTHORITY/REFERENCES

Memorandum of Agreement on Pollution Prevention and Response between the Commander, Thirteenth Coast Guard District and the state of Washington executed on June 26, 2007.
 Section VII – Response to Oil and Hazardous Substances Spills:

Federal law established the Coast Guard as the primary federal agency tasked with responding to oil and hazardous substances spills on the navigable waters within the coastal zone of the United States. In such cases, the Federal On Scene Coordinator (FOSC) is the pre-designated official responsible for directing response actions. The FOSC may direct or monitor all federal, state, and private actions in response to a spill or a potential spill in State waters.

State law established Ecology as the primary state agency tasked with responding to oil and hazardous substances spills on State waters. In such cases, the State On Scene Coordinator (SOSC) is the pre-designated official responsible for directing State response actions.

The Parties will respond to marine oil and hazardous substances spills as required by and in accordance with the National Contingency Plan (NCP) and the Northwest Area Contingency Plan (NWACP), and agree to maintain a protocol to coordinate their responses to spills.

Ecology

Statutes

RCW 70.105 (Hazardous Waste Management Act)

RCW 70.105D (Model Toxics Control Act)

RCW 90.48 (Water Pollution Control)

RCW 90.56 (Oil and Hazardous Substance Spill Prevention and Response)

Regulations

173-182 WAC (Oil Spill Contingency Plan)

173-183 WAC (Preassessment Screening and Oil Spill Compensation Schedule Regulations)

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173-303 WAC (Dangerous Waste Regulations)
173-340 WAC (Model Toxics Control Act Cleanup Regulations)
296-824 WAC (Emergency Response)
296-843 WAC (Hazardous Waste Operations)

Documents/Forms

Northwest Area Contingency Plan
Geographic Response Plans
Washington State Comprehensive Emergency Management Plan (CEMP)
Spill Response Operations Manual
Safety Training and Competency (SAFETRAC) Program
Drill Training and Competency (DRILLTRAC) ICS Manual
Field Operations Guide (FOG)

USCG

Statutes

33 USC 2701 (OPA 90)
33 USC 1251 (Clean Water Act)
33 USC 1321 (Federal Water Pollution Control Act, as amended, Section 311)
33 USC 1471-1487 (Intervention of the High Seas Act)
43 USC 1331 (Outer Continental Shelf Lands Act)
42 USC 9601 (CERCLA)
42 USC 6901 (RCRA)
33 USC 401 (Refuse Act - Rivers and Harbors Act)
46 USC 4701 (Abandoned Barge Act of 1992)
33 USC 1221 (Ports and Waterways Safety Act of 1972)
33 USC 1322 (Clean Vessel Act of 1992)
33 USC 1901-1912 (Act to Prevent Pollution from Ships of 1980 – implements MARPOL)

Regulations

40 CFR 300 (NCP)
33 CFR 6
29 CFR 1910.120

Documents/Forms

Northwest Area Contingency Plan
Geographic Response Plans
CANUSPAC Pollution Plan
Marine Information for Safety and Law Enforcement Process Guide (MISLE)

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Field Operations Guide (FOG), Incident Command System
Marine Safety Manual (MSM), Volume 9, COMDTINST M16000.14
MARPOL 73/78, Annex I
National Pollution Fund Center User Reference Guide

3. EFFECTIVE DATE/POINTS OF CONTACT

This protocol will become effective upon signature of both parties.

The following persons will serve as points of contact for questions concerning this protocol and its implementation:

Ecology

Response Section Manager

Phone: 360-407-6974

Fax: 360-407-7288

Mailing Address: Washington Department of Ecology, Spills Program, P.O. Box 47600, Olympia, WA 98504-7600

USCG

Marine Environmental Response Chief

Marine Environmental Response Section (DRMM),

Thirteenth Coast Guard District

Phone: 206-220-7210/7221

Fax: 206-220-7225

Mailing Address: 915 Second Ave - Room 3506, Seattle, WA 98174

Marine Environmental Response (MER), Sector Portland

Phone: 503-240-9301

Fax: 503-240-9345

Mailing Address: USCG, Sector Portland, 6767 N. Basin Ave., Portland, OR 97217

Incident Management Division (IMD), Sector Seattle

Phone: 206-217-6066

Fax: 206-217-6345

Mailing Address: USCG, Sector Seattle, 1519 Alaskan Way S., Seattle, WA 98134-1192

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4. POLICIES

It is the policy of the USCG and Ecology to coordinate response efforts to avoid duplication, and it is acknowledged that the USCG may request Ecology undertake response actions on a case-by-case basis. The frequency or conditions of such requests will vary according to the nature and source of the spill, as well as the demand on USCG resources for other CG missions. In general, the Parties agree to the following:

A. Data Collection:

- The USCG will gather data on all spills occurring within its jurisdiction and issue penalties, as appropriate, to recreational boaters and other non-commercial entities.
- Ecology collects statewide spill information in the Environmental Report Tracking System (ERTS).

B. Notification:

- It is the policy of the USCG and Ecology to coordinate with each other on all spill notifications to share information and coordinate response resources as appropriate.
- It is the policy of the USCG and Ecology to encourage spillers and responsible parties to immediately make all appropriate federal and state notifications, including notification to the National Response Center at 1-800-424-8802 and the Washington Emergency Management Division at 1-800-258-5990.
- It is the policy of the USCG and Ecology to coordinate with each other on all response issues requiring notification or coordination with Canada.

B. Scope:

- The USCG will always respond and investigate spills, potential spills, or violations of pollution prevention regulations from all sources, regardless of state response actions.
- Ecology may act as primary responder after consultation with the USCG FOSC on a case-by-case basis for the four sub-categories of incidents listed in this paragraph. Ecology will contact the responsible USCG FOSC if they are unable to respond to the following incidents:

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- To derelict vessels that have grounded or sunk that present a pollution threat. The USCG will provide technical support as requested.
- To abandoned drum incidents (including those with unknown contents), particularly those on shore.
- To sheens that have no apparent source and that cannot be verified using other reliable parties. If the sheen is recoverable, the USCG will endorse funding for the response.
- To recreational vessel spills of 100 gallons or less.
- Using Oil Spill Liability Trust Fund funding criteria as allowed by 33 CFR §133 et. seq. or other applicable federal law, the USCG will support Ecology's response to the aforementioned incidents.
- For state-led action that will exceed \$50,000, Ecology has access to the state's Oil Spill Response Account (RCW 90.56.500). This fund is limited to crude oil and petroleum product spills and threats of spills to navigable waters of the state.

C. Unified Command (UC):

- It is the policy of the USCG and Ecology to respond to spills and manage cleanup efforts using principles of UC outlined in the NWACP.
- When Ecology and the USCG are jointly managing a spill event, both agencies will designate a primary point of contact (FOSCR and SOSOC) and ensure that an ICS 201 has been initiated.

D. Enforcement:

- It is the policy of the USCG and Ecology to share any significant non-compliance violations observed.
- It is the policy of the USCG and Ecology to coordinate oil sampling procedures to facilitate the quickest response available, and to provide confirmation when appropriate.

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- It is the policy of the USCG and Ecology that collection and analysis of evidence and samples will be jointly coordinated to reduce redundancy, especially when there is a likelihood of potential criminal prosecution of a case.

E. Debriefs:

- It is the policy of the USCG and Ecology to regularly review lessons learned and recommend changes to the ACP to enhance protection of Washington State's marine environment.
- It is the policy of the USCG and Ecology that documents will be shared pursuant to the Disclosure of Records Protocol.
- It is the policy of the USCG and Ecology to treat any materials shared as sensitive investigative materials, which shall not be further disseminated without the express permission of the originating agency while the investigation is ongoing.
- Final volume spilled values should be reconciled between agencies for consistency in spill data which is often used for multiple purposes.

5. STANDARD OPERATING PROCEDURES

Frequency of Communication

- Ecology and USCG will provide the earliest possible notification of spills to each other. The Washington State Military Department's Division of Emergency Management will serve as the State POC. The responsible Sector Command Center will serve as the USCG POC.
- Ecology and USCG will immediately inform each other of any significant federal/state violations observed during oil spill response.
- Ecology and USCG will inform each other of any enforcement actions being taken following a joint response.
- Ecology and USCG pollution responders will meet quarterly to discuss and resolve any issues that may affect spill response efforts.
- Ecology and USCG will copy each other on all Pollution Reports (POLREPS) or the equivalent.

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USCG Task Detail

The USCG Sector Incident Management Officer will:

- Coordinate enforcement actions with Ecology for oil spills jointly responded to by the USCG and Ecology.
- Provide all the necessary vessel information to assist Ecology in conducting spill response.
- Ensure a coordinated response effort and information sharing with Ecology.

Ecology Task Detail

The Response Section Manager will:

- Communicate and resolve any issues that may affect Ecology's ability to jointly respond to oil spills with the USCG.
- Ensure a coordinated response effort and information sharing with the USCG.

6. MEASURES OF EFFECTIVENESS

Partnership Measures

- Degree of agreement between agencies' data on spill quantities and spiller source distribution.
- Annual number of actions taken to address (recurring) lessons learned noted as compared to the total number of spill responses where recurring lessons learned were noted.

Environmental Protection Measures

- Aggregate number of spills to which agencies responded within common jurisdictional zone/Total number of spills reported.
- Percentage of times that first agency responders met response standard for spills for which on-scene response is determined appropriate.

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- Percentage of spilled oil/hazardous substances recovered.
- Annual number of spills and quantity (in gallons) of oil/hazardous substances spilled by source type.

7. APPROVAL



W. T. DEVEREAUX
Captain, U. S. Coast Guard
Thirteenth Coast Guard District
Chief, Prevention Division

DATE: 26 JUN 2007



DALE JENSEN
Program Manager
Spill Prevention, Preparedness, and
Response Program
Washington Department of Ecology

DATE: 6-26-07